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SECOND REGULAR SESSION
SIXTY-FIRST LEGISLATURE

**TWENTY-SIXTH LEGISLATIVE DAY
FRIDAY, FEBRUARY 3, 2012**

Senate Chamber

President Pro Tempore Hill called the Senate to order at 11:15 a.m.

Roll call showed all members present except Senators Davis and Heider, absent and formally excused by the Chair; and Senators Cameron and LeFavour, absent and excused.

Prayer was offered by Chaplain Keith Buhler.

The Pledge of Allegiance was led by Tess Warzyn, Page.

The Senate advanced to the Third Order of Business.

Reading and Correction of the Journal

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of February 2, 2012, was read and approved as corrected.

DARRINGTON, Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

On request by Senator Winder, granted by unanimous consent, the Senate advanced to the Sixth Order of Business.

Reports of Standing Committees

Senator LeFavour was recorded present at this order of business.

February 2, 2012

The JUDICIARY AND RULES Committee reports that [S 1275](#), [S 1276](#), [S 1277](#), [S 1278](#), [S 1279](#), [S 1280](#), [S 1281](#), [S 1282](#), and [S 1283](#) have been correctly printed.

DARRINGTON, Chairman

[S 1275](#) was referred to the Judiciary and Rules Committee.

[S 1276](#), [S 1277](#), [S 1278](#), [S 1279](#), [S 1280](#), and [S 1281](#) were referred to the Health and Welfare Committee.

[S 1282](#) and [S 1283](#) were referred to the Resources and Environment Committee.

February 2, 2012

The LOCAL GOVERNMENT AND TAXATION Committee reports out [SCR 113](#) with the recommendation that it do pass.

CORDER, Chairman

[SCR 113](#) was referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

February 2, 2012

The JUDICIARY AND RULES Committee reports that [SJR 102](#) has been correctly enrolled.

DARRINGTON, Chairman

The President Pro Tempore signed Enrolled [SJR 102](#) and ordered it transmitted to the House for the signature of the Speaker.

February 2, 2012

The TRANSPORTATION Committee reports it has had under consideration the Gubernatorial appointment listed below and the Committee recommends that said appointment be confirmed by the Senate:

Colleen Marie Back to the Aeronautics Advisory Board, term to expire January 31, 2012.

HAMMOND, Chairman

The Gubernatorial appointment was referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

February 2, 2012

The TRANSPORTATION Committee reports it has had under consideration the Gubernatorial appointment listed below and the Committee recommends that said appointment be confirmed by the Senate:

Colleen Marie Back to the Aeronautics Advisory Board, term to expire January 31, 2017.

HAMMOND, Chairman

The Gubernatorial appointment was referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

Senator Cameron was recorded present at this order of business.

February 3, 2012

The STATE AFFAIRS Committee reports out [S 1270](#) with the recommendation that it do pass.

MCKENZIE, Chairman

[S 1270](#) was filed for second reading.

On request by Senator Winder, granted by unanimous consent, the Senate advanced to the Eighth Order of Business.

Messages from the Governor

January 30, 2012

The Honorable Brad Little
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that E. Robert (Bob) Mooney of Boise, Idaho, was appointed as a member of the Idaho Energy Resources Authority to serve a term commencing April 8, 2011, and expiring June 30, 2015.

This appointment was made subject to confirmation by the Senate. Notice of appointment is hereby given.

As Always - Idaho, *Esto Perpetua*
/s/ C.L. "Butch" Otter
Governor

The correspondence was ordered filed in the office of the Secretary of the Senate.

The Gubernatorial appointment was referred to the State Affairs Committee.

February 1, 2012

The Honorable Brad Little
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that Sam Haws of Meridian, Idaho, was appointed Administrator of the Office on Aging to serve a term commencing July 11, 2011, and continuing at the pleasure of the Governor.

This appointment was made subject to confirmation by the Senate. Notice of appointment is hereby given.

As Always - Idaho, *Esto Perpetua*
/s/ C.L. "Butch" Otter
Governor

The correspondence was ordered filed in the office of the Secretary of the Senate.

The Gubernatorial appointment was referred to the State Affairs Committee.

February 1, 2012

The Honorable Brad Little
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that Tom Schultz of Boise, Idaho, was appointed Director of the Department of Lands to serve a term commencing September 26, 2011, and continuing at the pleasure of the Governor.

This appointment was made subject to confirmation by the Senate. Notice of appointment is hereby given.

As Always - Idaho, *Esto Perpetua*
/s/ C.L. "Butch" Otter
Governor

The correspondence was ordered filed in the office of the Secretary of the Senate.

The Gubernatorial appointment was referred to the Resources and Environment Committee.

February 1, 2012

The Honorable Brad Little
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that Jerry Whitehead of Boise, Idaho, was appointed to chair the Idaho Transportation Board to serve a term commencing February 1, 2012, and continuing at the pleasure of the Governor.

This appointment was made subject to confirmation by the Senate. Notice of appointment is hereby given.

As Always - Idaho, *Esto Perpetua*
/s/ C.L. "Butch" Otter
Governor

The correspondence was ordered filed in the office of the Secretary of the Senate.

The Gubernatorial appointment was referred to the Transportation Committee.

February 2, 2012

The Honorable Brad Little
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that Dwight Horsch of Pocatello, Idaho, was appointed as a member of the Idaho Transportation Board to serve a term commencing June 1, 2011, and expiring January 31, 2017.

This appointment was made subject to confirmation by the Senate. Notice of appointment is hereby given.

As Always - Idaho, *Esto Perpetua*
/s/ C.L. "Butch" Otter
Governor

The correspondence was ordered filed in the office of the Secretary of the Senate.

The Gubernatorial appointment was referred to the Transportation Committee.

The Senate advanced to the Ninth Order of Business.

Messages from the House

February 2, 2012

Dear Mr. President:

I transmit herewith [H 367](#), [H 369](#), [H 405](#), [H 382](#), and [H 384](#), which have passed the House.

ALEXANDER, Chief Clerk

[H 367](#), [H 369](#), [H 405](#), [H 382](#), and [H 384](#) were filed for first reading.

February 2, 2012

Dear Mr. President:

I transmit herewith Enrolled [H 360](#), [H 361](#), and [H 362](#) for the signature of the President.

ALEXANDER, Chief Clerk

The President Pro Tempore signed Enrolled [H 360](#), [H 361](#), and [H 362](#) and ordered them returned to the House.

On request by Senator Winder, granted by unanimous consent, the Senate advanced to the Eleventh Order of Business.

**Introduction, First Reading, and Reference of Bills,
House Petitions, Resolutions, and Memorials**

S 1284

BY TRANSPORTATION COMMITTEE

AN ACT

RELATING TO LIABILITY TO LAND OWNERS OFFERING MOTORCYCLE, MOTOR-DRIVEN CYCLE OR OFF-HIGHWAY VEHICLE INSTRUCTION CLASSES; AMENDING TITLE 6, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 30, TITLE 6, IDAHO CODE, TO DEFINE TERMS AND TO PROVIDE CONDITIONS WHEN AN OWNER OF LAND WHERE MOTORCYCLE INSTRUCTION, MOTOR-DRIVEN CYCLE INSTRUCTION OR OFF-HIGHWAY INSTRUCTION IS GIVEN TO A STUDENT SHALL BE LIABLE FOR DAMAGES OR INJURIES.

S 1285

BY STATE AFFAIRS COMMITTEE

AN ACT

RELATING TO THE STATE LOTTERY COMMISSION; AMENDING SECTION 67-7434, IDAHO CODE, TO REVISE HOW TRANSFERS OF LOTTERY DIVIDENDS ARE MADE.

S 1286

BY STATE AFFAIRS COMMITTEE

AN ACT

RELATING TO CHARITABLE BINGO AND RAFFLES; AMENDING SECTION 67-7709, IDAHO CODE, TO REVISE THE ALLOWED EXPENDITURE PERCENTAGES FOR CHARITABLE BINGO LICENSEES; AND AMENDING SECTION 67-7710, IDAHO CODE, TO REVISE THE ALLOWED EXPENDITURE PERCENTAGE FOR CHARITABLE RAFFLE LICENSEES.

[S 1284](#), [S 1285](#), and [S 1286](#) were introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

[H 367](#), by Transportation and Defense Committee, was introduced, read the first time at length, and referred to the Transportation Committee.

[H 369](#), by Transportation and Defense Committee, was introduced, read the first time at length, and referred to the State Affairs Committee.

[H 405](#), by Health and Welfare Committee, was introduced, read the first time at length, and referred to the State Affairs Committee.

[H 382](#) and [H 384](#), by Education Committee, were introduced, read the first time at length, and referred to the Education Committee.

The Senate advanced to the Twelfth Order of Business.

Second Reading of Bills

[S 1253](#), by Judiciary and Rules Committee, was read the second time at length and filed for third reading.

[S 1269](#), by Education Committee, was read the second time at length and filed for third reading.

The Senate advanced to the Thirteenth Order of Business.

Third Reading of Bills

[S 1226](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Goedde arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Pursuant to Senate Rule 39(H), Senator Goedde disclosed a possible conflict of interest under applicable law.

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Fulcher, Goedde, Hammond, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McGee, Malloy (McKague), McKenzie, Mortimer, Nuxoll, Pearce, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 33.

NAYS—None.

Absent and excused—Davis, Heider. Total - 2.

Total - 35.

Whereupon the President Pro Tempore declared [S 1226](#) passed, title was approved, and the bill ordered transmitted to the House.

[S 1243](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Hammond arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Darrington, Fulcher, Goedde, Hammond, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McGee, McKenzie, Mortimer, Nuxoll, Pearce, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 31.

NAYS—Corder, Malloy (McKague). Total - 2.

Absent and excused—Davis, Heider. Total - 2.

Total - 35.

Whereupon the President Pro Tempore declared [S 1243](#) passed, title was approved, and the bill ordered transmitted to the House.

[H 357](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Hammond arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Fulcher, Goedde, Hammond, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McGee, Malloy (McKague), McKenzie, Mortimer, Nuxoll, Pearce, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Winder. Total - 32.

NAYS—None.

Absent and excused—Davis, Heider, Werk. Total - 3.

Total - 35.

Whereupon the President Pro Tempore declared [H 357](#) passed, title was approved, and the bill ordered returned to the House.

[H 363](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator McKenzie arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Fulcher, Goedde, Hammond, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McGee, Malloy (McKague), McKenzie, Mortimer, Nuxoll, Pearce, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Winder. Total - 32.

NAYS--None.

Absent and excused--Davis, Heider, Werk. Total - 3.

Total - 35.

Whereupon the President Pro Tempore declared [H 363](#) passed, title was approved, and the bill ordered returned to the House.

On request by Senator Winder, granted by unanimous consent, all Senate bills were placed at the head of the Third Reading Calendar, followed by House bills.

On request by Senator Winder, granted by unanimous consent, the Senate advanced to the Fifteenth Order of Business.

Miscellaneous Business

On motion by Senator Winder, seconded by Senator Malepeai, by voice vote, the Senate adjourned at 12:05 p.m. until the hour of 11 a.m., Monday, February 6, 2012.

BRENT HILL, President Pro Tempore

Attest: JENNIFER NOVAK, Secretary